

REGULAR MEETING OF THE JASPER COUNTY COUNCIL

May 17, 2016

The Jasper County Council met this date at 7:00 P.M. C.S.T. in the Commissioners' Room, Suite 202, of the Jasper County Courthouse located at 115 West Washington Street, Rensselaer, Indiana, with the following members present: Rein Bontreger, Gerrit H. DeVries, John T. Price, Gary Fritts, Stephen Jordan, Paul Norwine and Andrew Andree. Also present was Kimberly K. Grow, Jasper County Auditor, and Donna J. Horner, Deputy Auditor. Mr. Bontreger called the meeting to order and those present stood and recited the Pledge of Allegiance led by Gerrit DeVries.

MINUTES: Mr. Norwine made the motion to approve the Minutes of the Regular Meeting held on April 19, 2016. Mr. Andree seconded and the motion carried unanimously.

ADDITIONAL APPROPRIATION / DONATIONS ANIMAL SHELTER FUND: Advertised in the Donations Animal Shelter Fund, Capital Outlays, Equipment was \$1,800.00. Mark Sinclair, Animal Control Director, explained that the money would be used towards the construction of an exercise yard for the animals housed at the shelter. After obtaining two quotes, which came in at a cost of \$10,000.00 - \$11,000.00, Mr. Sinclair priced the construction himself. With the help of volunteers, Mr. Sinclair has estimated that the job can be completed for just under \$1,800.00. Sketches of the proposed area were reviewed. Mr. Jordan made the motion to approve **Additional Appropriation Ordinance No. 2016-05A** as advertised. Mr. Fritts seconded and the motion carried unanimously.

ADDITIONAL APPROPRIATION / COUNTY CREDIT FUND: Advertised in the County CREDIT Fund, Technology, Other Services & Charges, System & Application Software Maintenance was \$51,000.00. Bill Batley, IT Director, explained that last year was the first year that we actually had to appropriate for the XSoft software for the Assessor's office. With changing to new software and the line numbering system during the budget process, this line item was missed. Mr. Andree made the motion to approve **Additional Appropriation Ordinance No. 2016-05B** as advertised. Mr. Norwine seconded and the motion carried unanimously.

ADDITIONAL APPROPRIATION / COMMUNITY CORRECTIONS PROJECT INCOME: Advertised in the Community Corrections Project Income Fund, Capital Outlays, Vehicle was \$16,000.00. Bill Wakeland, Community Corrections Director, explained that the request will be used towards the purchase of a new vehicle and equipping the vehicle with a security partition. Community Corrections received a performance bonus from the Indiana Department of Correction in the amount of \$16,845.22. This money will be dedicated towards the purchase of the new vehicle. The new vehicle will be replacing the 2008 Dodge Charger which has approximately 168,000 miles on it. There is an issue with the ABS system which would require replacing the steering column at an estimated cost of \$5,000.00 plus labor. Upon request, Mr. Wakeland explained that Project Income is actually the fees paid in by the clients within the Community Corrections program. Mr. Fritts made the motion to approve **Additional Appropriation Ordinance No. 2016-05C** as advertised. Mr. Jordan seconded and the motion carried unanimously.

STATE GRANT / COMMUNITY CORRECTIONS: Mr. Wakeland reported that we will be receiving an additional \$184,000.00 in the State grant for next year. The State grant runs from July 1 through June 30. The total amount we will be receiving for next year from the Department of Corrections will be \$302,264.00. Last year, we received \$117,000.00. The additional money will be used to move two (2) of the Correctional Officers that are currently paid from the County General Fund into the State grant. We then have another Correctional Officer that currently is paid \$24,000.00 out of the State grant with the remaining \$12,000.00 being paid out of the County General Fund. This Correctional Officer's entire salary will also now be paid out of the State grant. These changes will save the County General Fund approximately \$80,000.00 next year. Mr. Wakeland stated that there are no guarantees that we will continue to receive this amount of money.

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ADDITIONAL APPROPRIATION / EXTENSION BUDGET: Advertised in the County General Fund, Extension Budget, Other Services & Charges, Contractual Agreements was \$1,000.00. Kim Grow, Auditor, explained that the additional is needed due to an input error. Mr. DeVries made the motion to approve **Additional Appropriation Ordinance No. 2016-05D** as advertised. Mr. Norwine seconded and the motion carried unanimously.

ADDITIONAL APPROPRIATION / EMERGENCY PLANNING / RIGHT TO KNOW FUND: Advertised in the Emergency Planning / Right to Know Fund, Capital Outlays, Equipment was \$10,000.00. Karen Wilson, Emergency Management Director, was present on behalf of the Local Emergency Planning Committee (LEPC). Ms. Wilson stated that the LEPC currently has \$60,000.00 invested. A vote was taken at the last meeting to reinvest \$50,000.00 and to request that \$10,000.00 be applied to the line item within the LEPC budget under operating supplies. The \$10,000.00 will be used to purchase gas detection kits and gas calibration kits for the four (4) different fire departments in Jasper County. In response to a question from Mr. Jordan, Ms. Wilson explained that because we have facilities within Jasper County that have hazardous materials, the LEPC receives funds from the State. Ms. Wilson stated that a tabletop exercise was recently held regarding Bach Oil and a train car derailment. Approximately 50 people were in attendance. Mr. DeVries stated that it was an astounding evening and Karen did a great job really taking charge. Mr. Andree stated that part of the discussion that evening was about contingency funds and who has the responsibility of hiring people to do certain things in an emergency situation. Through the discussion that night, it came out that we really need to have a fund established that Karen could oversee for emergency status. Auditor Grow stated that we have the Rainy Day fund as well as an ordinance that addresses prepayment of expenditures such as those in an emergency situation. Mr. DeVries made the motion to approve **Additional Appropriation Ordinance No. 2016-05E** as advertised. Mr. Price seconded and the motion carried unanimously.

ANIMAL CONTROL DIRECTOR / SALARY INCREASE: Pat Williamson was present on behalf of the Animal Control Board in regards to the salary of Mark Sinclair, Animal Control Director. Also present on behalf of the Animal Control Board was Pauline Boring and Del Cleek. Mr. Williamson stated that the position of the Animal Control Director did not receive a raise for 2016. Mr. Sinclair took a big pay cut to come to the County. An update was given on the progress that has been made at the shelter. Mr. Williamson requested a \$1,395.00 raise for the Director's position. Ms. Boring has done some research online and found out that an Animal Control Director averages about \$55,000.00 per year and an Animal Control Officer averages about \$41,000.00 per year in the State of Indiana. We respectfully request not only the raise but just to let you know that we will be back again next year to try to get him in line with the rest of the State. Ms. Cleek stated that Mark came into this with very little animal control experience and he's taken every opportunity to educate himself. William Spaulding, citizen, also expressed his appreciation and support of Mr. Sinclair. After further discussion, the decision was made to advertise for an additional appropriation in the amount of \$1,395.00 for the June meeting.

AMENDMENT / SALARY ORDINANCE: Mr. Jordan made the motion to approve **Ordinance No. 05-17-2016A** to include the following amendments to the Jasper County Salary Ordinance for 2016. Mr. DeVries seconded and the motion carried unanimously.

Circuit Court

Court Reporter

| | |
|-------------------------------|--------------|
| Maximum Gross Salary | \$ 40,361.00 |
| Maximum Rate Per Hour | \$ 19.33 |
| Mid Level Rate Per Hour | \$ 19.14 |
| Beginning Level Rate Per Hour | \$ 18.52 |

Bailiff

| | |
|-------------------------------|--------------|
| Maximum Gross Salary | \$ 38,942.00 |
| Maximum Rate Per Hour | \$ 18.65 |
| Mid Level Rate Per Hour | \$ 18.03 |
| Beginning Level Rate Per Hour | \$ 17.41 |

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AMENDMENT / SALARY ORDINANCE CON'T:

Circuit Court Con't

Court Administrator

Maximum Gross Salary \$ 39,777.00

Maximum Rate Per Hour \$ 19.05

Mid Level Rate Per Hour \$ 18.43

Beginning Level Rate Per Hour \$ 17.81

Probation Secretary

Maximum Gross Salary \$ 37,105.00

Maximum Rate Per Hour \$ 17.21

Mid Level Rate Per Hour \$ 16.59

Beginning Level Rate Per Hour \$ 15.97

Superior Court

Court Reporter

Maximum Gross Salary \$ 40,842.00

Maximum Rate Per Hour \$ 19.56

Mid Level Rate Per Hour \$ 19.37

Beginning Level Rate Per Hour \$ 18.75

(All Superior Court salaries are based on 2088 hours per year)

Commissioners

Part-Time Weights and Measures

Maximum Rate Per Hour \$ 16.00

Mid Level Rate Per Hour \$ 15.38

Beginning Level Rate Per Hour \$ 14.76

Health Department

Health Nurse

Maximum Gross Salary \$ 46,935.00

Maximum Rate Per Hour \$ 22.57

Mid Level Rate Per Hour \$ 21.95

Beginning Level Rate Per Hour \$ 21.33

County Highway

Road Foreman

Maximum Rate Per Hour \$ 21.15 1 1/2X

Greg Fishburn and William Webb

Mechanic

Maximum Rate Per Hour \$ 19.87 1 1/2X

Terry Dunlap and James Woodke

LIBRARY BOARD / APPOINTMENT: Patty Stringfellow, Director of the Jasper County Public Library, has informed the Council per letter that Timothy Schultz, A County Council appointment to the Library Board, has served on the Board for sixteen years, serving four consecutive four-year terms. His service has been exemplary; however, according to Indiana law he may only serve four consecutive terms so when his term expires on June 30, 2016, he may not be reappointed. The item will be placed on the agenda for the June meeting.

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LOIT / UPDATE: Mr. DeVries stated that we were originally going to vote on the tax issue tonight and from what I understood, the existing local taxes are repealed effective January 1, 2017 and the taxes in effect on May 1, 2016 will be consolidated into the new law. This is referring to the CAGIT, CEDIT, and LOIT. The information states that as part of the transition to the new structure, a county may not adopt any ordinances under the former taxes after June 30, 2016. A concern was if there was going to be a change in the rate of one of the local option income taxes; can we do it that late in the game? Mr. Bontreger replied that he was presented with information from Ms. Grow and Attorney Monfort after they had spoken with the DLGF. There is a grey area created by that statute and the beginning of the next one and it's likely we could open up some possibilities for it to be contested if we pass it under the current statute tonight. We would likely have to repass any changes under the new statute after July 1. The rates take effect October 1. Under the advisement of the DLGF and Attorney Monfort, we will wait until after the July meeting once the new law has taken effect.

CONCERNED CITIZEN / SEEGER: **Please note that Bernard Seegers, concerned citizen, requested that the following minutes be typed word for word.** Mr. Seegers stated that he does not know if you are aware that there is a new floodplain ordinance being considered through the Drainage Board...not the Drainage Board, the Planning and Development BZA. The Commissioners signed one in 2008. It's going to be brought up to be re-signed. I would like to enter...this is the old one that Kim knows about...this one here that has been stamped. That's the old one. There has been a few new things put into this ordinance. This is the new one that is going to be signed. I want you to look on the back page of that. You'll see the Commissioners on the original. The Commissioners signed that page. I am sorry I think I gave you the wrong copy but I will straighten it up afterwards. I got my own copy here and there's probably notes on that one. On the original one on page 2 (22) it states about taxes. The county has violated this ordinance from top to bottom. This is a floodplain ordinance. This ordinance has been given by the State. It comes through the USDA supplements all of the money for these projects. They are violating this here. That new ordinance is going to be heard the 23rd in the Planning & Development. I think it's your responsibility to be there and protect your interest. I also want to come back to that later but this here ordinances I want to give to each of you. I don't have a lot of them so you'll have to share. This is a letter that was wrote to the Rensselaer Republican stating the violations that the Commissioners have committed. I didn't care. I signed my name and gave them my phone number. I thought somebody would call me. Nobody called me so then I went to the next step. I want to direct this one to Gary Fritts. You wrote this here article in the Rensselaer paper. Mr. Fritts replied, "I didn't write it. She interviewed me about it." Mr. Seegers replied, "Okay, interviewed it...whichever. You and Brett Hershman." Mr. Fritts replied, "Risner." Mr. Seegers stated, "Risner, I mean. You say \$32 million." Mr. Fritts replied, "I didn't say \$32 million. That's a number she pulled off. I didn't give her that number. That's what the insurance paid off to local farmers last year." Mr. Seegers asked, "How did you come up with that figure?" Mr. Fritts replied, "I don't know. She came up with that. I did not give that to her. That was what...I don't know where she got that from. I honestly do not." Mr. Seegers stated, "Okay. They're violating the floodplain ordinance." Mr. Bontreger stated, "Just to be clear, in your opinion, they are. Wouldn't you say? You wrote a letter to the editor which is opinion based." Mr. Seegers replied, "No, let me finish. I got more letters here. I went on and sent this to higher ups in Indiana and I got their response back." Mr. Bontreger asked, "Do you know if any of those people have actually contacted the Commissioners or anybody directly?" I am just curious. I am just asking a question." Mr. Seegers replied, "Kendell Culp stood in there with Governor Pence asking for federal money." Mr. Bontreger stated, "What I am saying is do you know if anyone has responded to the letters you've sent directly to the Commissioners that you're calling out and so forth? Do you know if anyone has responded directly to that?" Mr. Seegers replied, "I have not but they did directly to me and told me how to go about what I am doing." Mr. Bontreger replied, "It would definitely carry more weight if there is an indication of, in our opinion, a violation. You know, if those people follow through and actually present something." Mr. Seegers replied, "I sent this ordinance to Pence. I sent it to Craig Zeller. They sent me the letter back. I give them the ordinance...the whole thing and they told me it was the County's responsibility. I went to Beaver. He told me he couldn't say anything. The Commissioners signed this. These letters here...they told me to go to the Prosecuting Attorney. I went to the Prosecuting Attorney. I am gonna cut it short here. You've got all the evidence. This here is all going...I filed it with the Prosecuting Attorney. They took an oath that they would uphold these ordinances. They have not. It went to the Prosecuting Attorney and the Prosecuting Attorney told me quote what she said. It's not what I said, it's what she told me when I give her the ordinance and I give her everything."

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CONCERNED CITIZEN / SEEGER'S COMMENT: She said they took an oath and when they took that oath it was to enforce this ordinance. They didn't and she says it's in the stages that I'm going to turn the rest of this in and they're going to prosecute and if she doesn't, I will find a Prosecuting Attorney that will. Mr. Fritts questioned, "Who are you prosecuting?" Mr. Seegers replied, "Everybody that signed this oath." Mr. Fritts replied, "You say they are in violation of the floodplain. Who are you speaking of?" Mr. Seegers replied, "The Commissioners." Mr. Fritts asked, "How are you tying that in with the interview I did with the newspaper? I am not tracking how you are tying that in with the \$32 million which was received because of some of the floods we had mostly from the central part of the county to the south...not much in the northern part of the county. Not north of me...not much up there from that point to the south is where much of that flood occurred." Mr. Seegers stated, "This ordinance states that you cannot block floodways. They block floodways and taken crop insurance. You should know. You're a crop adjuster, Gary. You also took an oath here that you would uphold this." Mr. Fritts asked, "Uphold this ordinance? Is that what you're saying?" Mr. Seegers replied, "Uphold the taxpayers of Jasper County. You're gonna cause...if it's \$32 million and the federal FEMA comes back and asks for that money, where are you gonna get the \$32 million as a Council to repay it?" Mr. Fritts replied, "Well the Council did not receive the \$32 million. That was paid out to local farmers through the crop insurance program." Mr. Seegers stated, "That's absolutely right but its gonna come back on the county." Mr. Fritts stated, "I think this is probably just going to have to be settled in a court of law." Mr. Seegers stated, "See, that's it. That's the story we get all the time...go hire a lawyer. It's beyond that." Mr. Fritts stated, "Bernard, you know as well as I do that this battle has been going on for half a century or more." Mr. Bernard questioned, "What battle?" Mr. Fritts replied, "They're holding back floodwaters. They're holding back floodwaters. In general, the farmers are doing it and they are benefiting from that." Mr. Seegers replied, "Not in a floodplain. It's illegal. It's illegal. It's totally illegal." Mr. Bontreger stated, "Obviously, interpretation of ordinances and statutes is jobs for lawyers, you're right. You've done your part. You've turned it over to the Prosecutor and if they find also that there is a violation of some sort, I believe in the integrity of that office that they will follow through with it so you've certainly done your job. I appreciate you doing your homework." Mr. Seegers replied, "And I give this ordinance, I think I give you one already...a year or so ago. I give one to Paul. I give you one. Do you think your abiding by it?" Mr. Fritts stated, "I don't know if this is in our jurisdiction to be honest with you." Mr. Seegers replied, "It will be in your jurisdiction when you have to pay \$35 million back to the federal government." Mr. Fritts stated, "Well that money was paid to the farmers. That money would have to be paid by the farmers back to the federal government." Mr. Seegers stated, "You know and I know you work for an insurance company. They hired you to adjust the crops when there was losses." Mr. Fritts stated, "I don't look at dams and ditches. That is determined through their APHs and all that." Mr. Seegers replied, "I disagree because when you have the farmer sign that paper it is with that it is good management practices. You know. If you overlook it." Mr. Bontreger stated, "Well, obviously these are situations where opinions and so forth have to be applied to authority that's at a greater level than us. I do appreciate you taking time and showing you taking time and sharing with us because, yes, financial concerns of the county are our concern. You are right about that." Mr. Seegers stated, "And it's going to reflect back on the county tax rate. Could you imagine what that's going to do to the taxpayers? You're here to protect em." Mr. Bontreger stated, "Thank you for your concern and your homework." Mr. Seegers replied, "I am very concerned but this is all going to be turned...if you want to see any of it Kim's got...it's all been documented through Kim. I want to thank you for the time."

At this time, Mr. Bontreger asked for any other public comment.

Mr. Seegers stated, "I better look and make sure that I got all my papers back that I need. Another thing I want this all in these two here entered into the minutes of the meeting (see attached). Is it possible for me to get a findings of facts of this so I can send this into the Prosecuting Attorney? What was said here tonight. Mr. Bontreger stated, "You can get a copy of our minutes after they are approved after next month I am guessing. We don't really do a finding of fact like the BZA does or..." Mr. DeVries stated, "No, not here. It would be a finding of fact BZA." Mr. Seegers stated, "I want it pretty word for word here what was said here in the minutes to the meeting." Ms. Horner replied, "I'll do my best. I am not always able to hear every detail." Mr. Bontreger stated, "They do well at capturing the spirit of what is said." Mr. Seegers stated, "I have no problem with you because you have always helped me and done a very good job when I ask for something."

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LOIT / VOTE: Mr. Bontreger announced that the Council would be voting on the three local option income taxes at the July 26, 2016 meeting.

ECONOMIC DEVELOPMENT / UPDATE: Kevin Kelly, Economic Development Director, reported that the first Visitor's Guide has been published. The goal is to have them distributed to several businesses within the county by Memorial Day weekend. Mr. Kelly also reported that the target date for the new hotel is June 1. Mr. Norwine requested that Mr. Kelly briefly fill everyone in on what is going to take place on the southwest corner of I65 and Route 10. Mr. Kelly replied that a company called Compass Holding purchased 50 acres with plans of putting in a travel center (truck stop). They have received Drainage Board approval from the county government and will be going before the Plan Commission to receive additional approval. The plans include a fuel station, convenience store, Dunkin Donuts and a couple of other restaurants.

There being no further business, Mr. Norwine made the motion to adjourn the meeting. Mr. Fritts seconded and the motion carried.

Rein O. Bontreger, President

ATTEST:

Kimberly K. Grow, Auditor of Jasper County

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